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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

AMERICAN FARM BUREAU FEDERATION, <i>et al.</i> ,)	Case No. 2:24-cv-665-RJS
)	Honorable Robert J. Shelby
)	
Plaintiffs,)	
)	
v.)	PROPOSED SCHEDULING ORDER
)	IN AN ADMINISTRATIVE CASE
)	UNDER DISTRICT OF UTAH LOCAL
U.S. DEPARTMENT OF THE)	CIVIL RULE 7-4
INTERIOR, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

Pursuant to District of Utah Local Civil Rule 7-4, the Parties in this case have conferred and hereby submit the following Proposed Scheduling Order:

1. Plaintiffs American Farm Bureau Federation *et al.* challenge BLM’s issuance of the Conservation and Landscape Health Final Rule, 89 Fed. Reg. 40,308 (May 9, 2024) (“Public Lands Rule”). Plaintiffs allege that, in issuing the Public Lands Rule, Defendants U.S. Department of the Interior *et al.* violated the National Environmental Policy Act (“NEPA”), 42 U.S.C. §§ 4321 *et seq.*, the Federal Land and Policy Management Act (“FLPMA”), 43 U.S.C. §§ 1701 *et seq.*, the Congressional Review Act (“CRA”), 5 U.S.C. § 801 *et seq.*, and the

Administrative Procedure Act (“APA”), 5 U.S.C. §§ 701 *et seq.* Defendants deny that BLM’s issuance of the Public Lands Rule violated NEPA, FLPMA, the CRA, or the APA or was otherwise was arbitrary, capricious, or contrary to law.

2. The Parties agree that this case will be resolved pursuant to the procedure set forth in Local Civil Rule 7-4, and therefore will be resolved on merits briefing based on the agency’s administrative record without discovery or trial.

3. The Parties agree that these cases are not suitable for an alternative dispute resolution (“ADR”) program such as arbitration, mediation, or judicial settlement conference at this time.

4. The Parties have met and conferred and respectfully request that this Court issue an order approving the briefing schedule for resolution of this case identified below:

a. **Indexed Administrative Record:** On or before **October 21, 2024**, Defendants shall file the Administrative Record. The Parties agree that the record shall be filed and served on all counsel of record by Defendants on a CD-ROM, thumb drive, or other digital format, and include an index. Defendants will concurrently file a Notice of Filing of the Administrative Record via the Court’s CM/ECF system.

b. **Objections to the Administrative Record:** On or before **November 21, 2024**, Plaintiffs shall notify Defendants whether Plaintiffs believe the Administrative Record is complete or requires supplementation with additional materials. Should a dispute arise regarding the completeness of the Administrative Record, the applicability of any exception to record review, or any asserted need for judicial review of extra-record materials, the Parties will attempt to negotiate a resolution. If the Parties can informally resolve any disputes regarding the Administrative Record, Defendants will lodge an amended or supplemental Administrative

Record (if necessary) with the Court on or before **December 10, 2024**. If the Parties are unable to resolve disputes involving the Administrative Record, the deadline for filing any motion to complete or supplement the record would be **December 5, 2024**. Federal Defendants would file their response to any motion to complete or supplement the Administrative Record by **January 6, 2025**, and any replies would be filed by **January 13, 2025**. If a motion to supplement or complete the Administrative Record is filed, the Parties will confer about whether they should move to stay the summary judgment briefing schedule set forth below. If the Parties agree that the Administrative Record filed on **October 21, 2024**, is complete and that neither the filing of an amended Administrative Record nor motions practice regarding the Administrative Record are necessary, Federal Defendants will notify the Court of such on or before **November 22, 2024**.

c. **Merits Briefs:** Plaintiffs' Opening Brief Motion shall be filed by **December 12, 2024**. Defendants' Answer Brief shall be filed by **January 30, 2025**. Plaintiffs' Reply Brief shall be filed by **March 5, 2025**.

5. The parties request that the page limits in Local Civil Rule 7-4(d)(4)(B) be expanded to 45 pages for Plaintiffs' Opening Brief and Defendants' Answer Brief and 20 pages for Plaintiffs' Reply Brief.

Respectfully submitted this 27th day of September 2024,

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